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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,811	09/24/2003	Norbert Polzin	10191/3286	7752
26646	7590	11/04/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			WASHBURN, DOUGLAS N	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/670,811

Applicant(s)

POLZIN, NORBERT

Examiner

Douglas N Washburn

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 24 Sep 2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1 The drawings are objected to because annotations exterior to appropriate blocks in figures 1-4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2 The disclosure is objected to because of the following informalities:  
Page 3, ¶ 1, line 6 "if **the exceedance of** the limit value...";  
Examiner suggests "if **exceeding** the limit value...".  
Page 22, ¶ 2, line 20 "tire after **exceedance of** the speed threshold...";  
Examiner suggests "tire after **exceeding** the speed threshold...".  
Correction is required.

***Claim Objections***

3 Claims 4-6, 8, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2 and 12 are objected to because of the following informalities:

Regarding claim 2, "the comparison indicates an **exceedance** of the limit value by the driving state variable; and the **exceedance** of the limit value persists at least for a predefined period of time;"

Examiner suggests "the comparison indicates **exceeding** of the limit value by the driving state variable; and **exceeding** the limit value persists at least for a predefined period of time;"

Regarding claim 12, "The method as recited in Claim 2, wherein the **exceedance** of the limit value for the predefined period of time indicates a plastically deformed state of the tire."

Examiner suggests, "The method as recited in Claim 2, wherein **exceeding** the limit value for the predefined period of time indicates a plastically deformed state of the tire."

Correction is required.

***Claim Rejections - 35 USC § 102***

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 9-14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson (US 6,313,742) (Hereafter referred to as Larson).

Larson teaches:

Selecting one of at least two different monitoring modes as a function of at least one driving state variable that represents a driving state of a vehicle and determined on the vehicle in regard to claim 1

(e.g.; column 3, lines 55-58);

Monitoring at least one tire state variable that represents a current operating state of the tire in regard to claim 1

(e.g.; column 4, lines 2-4);

Monitoring at least one calibration variable that represents a target state of a tire in regard to claim 1

(e.g.; column 4, lines 14-15);

Monitoring mode is selected as a function of a comparison of a vehicle speed to a predefined limit value, and wherein a transition from a first monitoring mode into a second monitoring mode occurs in regard to claim 2

(e.g.; column 5, lines 30-43);

Comparison indicates exceeding a limit value by a driving state variable in regard to claim 2

(e.g.; column 5, lines 30-43);

Exceeding a limit value persists at least for a predefined period of time in regard to claim 2

(e.g.; column 5, lines 30-43);

A check for further change of monitoring modes is terminated after a transition from a first monitoring mode into a second monitoring mode is completed in regard to claim 2

(e.g.; column 5, lines 30-43);

A first monitoring mode and a second monitoring mode each contain at least one calibration mode, and wherein for each calibration mode, at least one calibration variable is determined as a function of at least one of a tire state variable, a driving state variable, a calibration request, and the selected monitoring mode in regard to claim 3

(e.g.; column 6, lines 2-8);

Detecting a malfunction of a tire when a determined tire state variable lies outside a predefined range with respect to a calibration variable of a monitoring mode, wherein a predefined range is selected as a function of at least one of a driving state variable and the number of tire state variables that have been considered for determination of the calibration variable in regard to claim 7

(e.g.; column 6, lines 13-20);

A calibration request is performed at a point in time defined as a function of at least one of a tire change, an operation adding air to the tire, and an instruction initiated by a driver of the vehicle in regard to claim 9

(e.g.; column 6, lines 2-8);

Informing a driver of a vehicle regarding a detected malfunction in regard to claim 10

(e.g.; column 6, lines 13-17);

Informing of a detected malfunction is achieved at least one of acoustically and optically in regard to claim 11

(e.g.; column 4, lines 18-20);

Exceeding a limit value for a predefined period of time indicates a plastically deformed state of a tire in regard to claim 12

(e.g.; column 6, lines 9-12);

An arrangement for selecting one of at least two different monitoring modes as a function of at least one driving state variable that represents a driving state of a vehicle and determined on the vehicle in regard to claim 13

(e.g.; column 3, lines 55-58);

An arrangement for monitoring at least one tire state variable that represents a current operating state of the tire in regard to claim 13

(e.g.; column 4, lines 2-4);

An arrangement for monitoring at least one calibration variable that represents a target state of a tire in regard to claim 13

(e.g.; column 4, lines 14-15);

An arrangement for determining, for each calibration mode, at least one calibration variable as a function of at least one of a tire state variable, a driving state variable, a calibration request, and the selected monitoring mode in regard to claim 14

(e.g.; column 6, lines 2-8);

A malfunction of a tire is detected when a determined tire state variable lies outside a predefined range with respect to a calibration variable of a monitoring mode, and wherein the predefined range is selected as a function of at least one of a driving state variable and the number of tire state variables that have been considered for the determination of the calibration variable in regard to claim 17

(e.g.; column 6, lines 13-20);

A computer-readable medium storing a sequence of program codes executable on a computer, the sequence of program codes performing a method of monitoring an operating state of at least one tire of a wheel of a vehicle selecting one of at least two different monitoring modes as a function of at least one driving state variable that represents a driving state of the vehicle and determined on the vehicle in regard to claim 18

(e.g.; column 3, lines 55-58; column 3, lines 65-67);

A computer-readable medium storing a sequence of program codes executable on a computer, the sequence of program codes performing a method of monitoring an operating state of at least one tire of a wheel of a vehicle monitoring at least one tire state variable that represents a current operating state of the tire in regard to claim 18

(e.g.; column 4, lines 2-4; column 3, lines 65-67);

A computer-readable medium storing a sequence of program codes executable on a computer, the sequence of program codes performing a method of monitoring an operating state of at least one tire of a wheel of a vehicle monitoring at least one calibration variable that represents a target state of the tire in regard to claim 18

(e.g.; column 4, lines 14-15; column 3, lines 65-67 );



Determining at least one calibration variable as a function of at least one of a tire state variable, a driving state variable, a calibration request, and the selected monitoring mode in regard to claim 19

(e.g.; column 5, lines 6-23);

A computer program product having a sequence of program codes for performing a method of monitoring an operating state of at least one tire of a wheel of a vehicle, selecting one of at least two different monitoring modes as a function of at least one driving state variable that represents a driving state of the vehicle and determined on the vehicle in regard to claim 20

(e.g.; column 4, lines 2-4; column 3, lines 65-67);

A computer program product having a sequence of program codes for performing a method of monitoring an operating state of at least one tire of a wheel of a vehicle, monitoring at least one tire state variable that represents a current operating state of the tire in regard to claim 20

(e.g.; column 4, lines 2-4; column 3, lines 65-67 );

A computer program product having a sequence of program codes for performing a method of monitoring an operating state of at least one tire of a wheel of a vehicle, monitoring at least one calibration variable that represents a target state of the tire in regard to claim 20

(e.g.; column 4, lines 14-15; column 3, lines 65-67 );

And a computer program product having a sequence of program codes for performing a method of monitoring an operating state of at least one tire of a wheel of a vehicle, wherein a first monitoring mode and a second monitoring mode each contain at least one calibration mode, and wherein for each calibration mode, at least one calibration variable is determined as a function of at least one of a tire state variable, a driving state variable, a calibration request, and the selected monitoring mode in regard to claim 20

(e.g.; column 6, lines 2-8; column 3, lines 65-67 ).

### ***Conclusion***


5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas N Washburn whose telephone number is (571) 272-2284. The examiner can normally be reached on Monday through Thursday 6:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DNW

  
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